

**Introduced by Senator Florez**

February 21, 2003

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An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 705, as introduced, Florez. Air quality: agricultural burning.

(1) Existing law prohibits any person from knowingly setting or permitting agricultural burning unless he or she has a valid permit designated by the State Air Resources Board to issue a permit in the area where the burning is to take place. Existing law requires the state board to designate public fire protection agencies or other equivalent agencies to issue permits, and to adopt rules and regulations to provide a procedure for the issuance of those permits.

This bill would prohibit, commencing June 1, 2005, the issuance of any permit to a person to burn agricultural waste in any area that is designated a nonattainment area for ozone, carbon monoxide, or particulate matter. The bill would also require any air quality management district or air pollution control district with jurisdiction over an area that is designated a nonattainment area for ozone, carbon monoxide, or particulate matter, not later than June 1, 2005, to develop and implement a program that assists agricultural growers to dispose of agricultural waste in an environmentally responsible manner. The additional duties of the bill for districts would impose a state-mandated local program.

(2) Existing law makes a violation of any rule, regulation, or order of the state board or a district a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.



(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41855.5 is added to the Health and  
2 Safety Code, to read:

3 41855.5. (a) Notwithstanding any other provision of law,  
4 commencing June 1, 2005, no permit may be issued a person to  
5 burn agricultural waste in any area that is designated a  
6 nonattainment area for ozone, carbon monoxide, or particulate  
7 matter pursuant to Section 39608.

8 (b) Not later than June 1, 2005, any district with jurisdiction  
9 over an area that is designated a nonattainment area for ozone,  
10 carbon monoxide, or particulate matter shall develop and  
11 implement a program that assists agricultural growers to dispose  
12 of agricultural waste in an environmentally responsible manner.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution for  
15 certain costs that may be incurred by a local agency or school  
16 district because in that regard this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.



1     However, notwithstanding Section 17610 of the Government  
2     Code, if the Commission on State Mandates determines that this  
3     act contains other costs mandated by the state, reimbursement to  
4     local agencies and school districts for those costs shall be made  
5     pursuant to Part 7 (commencing with Section 17500) of Division  
6     4 of Title 2 of the Government Code. If the statewide cost of the  
7     claim for reimbursement does not exceed one million dollars  
8     (\$1,000,000), reimbursement shall be made from the State  
9     Mandates Claims Fund.

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